

REMARKS

Claims 1-10, 22-30, and 41-57 are currently pending. The Office Action acknowledges that claims 44-47 contain allowable subject matter, but indicates that independent claims 1, 22, 41, and 57 are rejected as being obvious over Hayashi (GB 2,380,908) in view of Adams (U.S. Pat. App. Pub. No. 2006/0259862), Dowling (U.S. Pat. App. Pub. No. 2002/0038157), and newly cited Bhadkamkar (U.S. Pat. App. Pub. No. 2009/0097823). None of the references teaches or suggests, alone or in combination, every element of the independent claims.

Claim 1 is directed to a mobile communications device that activates and deactivates a complementary multi-media effect in time with the playback of an audio file. A processor at the device calculates synchronizing information based on an analysis of the audio contents of an audio file. The processor then uses this calculated synchronizing information to generate a pattern. The generated pattern identifies when the complementary multi-media effect is activated/deactivated so that the complementary multi-media effect is rendered synchronously with the playback of the audio.

The cited art does not teach or suggest a controller configured to "generate a pattern in which to render a complementary multi-media effect synchronously with the playback of the audio file based on the calculated synchronizing information," as claimed in claim 1. Of the four references cited, the Office Action indicates that the newly cited reference Bhadkamkar teaches this limitation because it allegedly discloses calculations that allow video to be synchronized with audio. Bhadkamkar does disclose calculations, however the rejection mischaracterizes those calculations in alleging that they can be used to generate the claimed pattern.

Bhadkamkar discloses a method of allowing a user to vary an apparent display rate of an audiovisual display by modifying the original audio and video data that comprises the audiovisual display. *Bhadkamkar*, ¶[0024]. Particularly, Bhadkamkar first analyzes the original audio and selects a desired target display rate for the audiovisual display. *Bhadkamkar*,

¶[0012]. Based on this information, Bhadkamkar modifies the original audio to create a new set of audio data (*Bhadkamkar*, ¶[0013]), and modifies the original video data based on the new audio data to create a new set of video data (*Bhadkamkar*, ¶[0014]). Bhadkamkar then renders the new audio and video data at the selected target display rate as the audiovisual display.

Although Bhadkamkar synchronizes the new audio and video data, Bhadkamkar does not calculate synchronization information for use in generating a pattern in which to synchronize the audio and video data. Instead, Bhadkamkar alters the video to add or delete video, as is appropriate for the selected target display rate. Bhadkamkar then simply begins processing the audio data and the video data (which are separate data sets) at the same rate.

The correspondence between the modified audio data set and the original audio data set (step 103), and the correspondence between the original audio data set and the original video data set (step 101), are used to create a correspondence between the modified audio data set and the original video data set. Using the newly developed correspondence between the modified audio data set and the original video data set, video data can be deleted from or added to, as appropriate, the original video data set to create the modified video data set....

An audiovisual display can be generated from the modified data sets by an audiovisual display system. Any particular audiovisual display system can process audio and video data at a particular rate to produce an audiovisual display at a normal display rate. The audio and video data of the modified audio and video data sets are processed at the same rate by the audiovisual display system.

Bhadkamkar, ¶[0033-34] (emphasis added).

Processing independent sets of audio and video data at the same rate as taught by Bhadkamkar does not teach or suggest generating any type of a pattern based on calculated synchronizing information, as claimed in claim 1. Rather, it simply ensures that both data sets contain about the right amount of data for each other, that they both start rendering at the right time, and that they are both processed at the same rate such that one is not rendered any faster (or slower) than the other.

Bhadkamkar, therefore, does not teach or suggest a controller configured to "generate a pattern in which to render a complementary multi-media effect synchronously with the playback

of the audio file based on the calculated synchronizing information.” And since each of the references fails to teach or suggest this limitation, any combination also fails to teach or suggest this limitation.

In proffering the four-way obviousness rejection, the Office Action alleges that Dowling also teaches generating a pattern from synchronizing information (even though the Office Action readily acknowledges that the “synchronization information” in Dowling is not obtained computationally). For the specific computations, the Office Action relies on the calculations as disclosed in Bhadkamkar. Applicant respectfully submits that these two references cannot be combined.

Dowling discloses a method in which a user manually authors a sequence in which to turn lights on and off by selecting from among a set of predetermined `stock` effects that function as discrete building blocks for assembling the sequence. *Dowling*, p. 3, ¶[0037]. The calculations disclosed in Bhadkamkar (to the extent they are performed) are useless in Dowling because they function only in either lengthening or shortening the video and audio such that both can be rendered synchronously at the same desired display rate. The calculations in Bhadkamkar do not specify a pattern, nor are they used to generate a pattern, nor does any of the cited references ever suggest that they can be used to generate a pattern.

Nor is there any evidence whatsoever that could Dowling use the Bhadkamkar calculations to generate a pattern in which to turn the disclosed lights on/off. None of the references describe how Dowling would use the Bhadkamkar calculations so that particular function is (or would be) accomplished. The Office Action merely alleges that one skilled in the art would modify the cited references according to Bhadkamkar such that “the video could be synchronized to audio data being played, based on the calculated displaying rate” without ever providing any details on just how such a combination would be accomplished. Certainly, the manual method disclosed in Dowling fails to provide any insight as it does not need such

calculations. Nor do any of the remaining references. *Office Action*, p. 4, ll. 16-19. It is therefore respectfully submitted that the rejection is conclusory and not supported by the cited references.

None of the references, alone or in combination, teaches or suggests a controller configured to "generate a pattern in which to render a complementary multi-media effect synchronously with the playback of the audio file based on the calculated synchronizing information," as claimed in claim 1. Therefore, it is respectfully submitted that claim 1 and its dependent claims are allowable over the art of record.

Claim 22 is directed to a method of synchronizing multi-media effects with an audio file stored in memory of a mobile communications device and recites, "generating a pattern in which to render a complementary multi-media effect in the mobile communications device synchronously with the playback of the audio file based on the calculated synchronizing information."

Claim 41 is directed to a method of synchronizing one or more complementary multi-media effects with an audio file stored in memory and recites, "generating a pattern in which to render one or more complementary multi-media effects in the mobile communications device synchronously with the playback of the audio file based on the calculated synchronizing information."

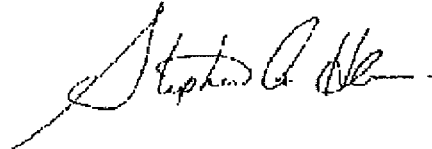
Claim 57 is directed to a circuit having a microprocessor configured to "generate a pattern in which to render one or more complementary multi-media effects synchronously with the audio stream during playback of the audio stream based on the calculated synchronization information."

For reasons similar to those stated above, none of the cited references, alone or in combination, teaches or suggests any of the independent claims 22, 41, and 57, or any of their respective dependent claims.

Finally, the Office Action indicates that some of the dependent claims stand rejected as being obvious over Hayashi in view of Adams, Dowling, Bhadkamkar, and one or more of Vandermeijden (U.S. Pat. App. 2004/0067751), Fredlund (U.S. Pat. No. 6,639,649), Aoki, Adams (U.S. Pat. App. Pub. No. 2003/0017808), Fujiwara (U.S. Pat. No. 6,800,799), and Goldberg (U.S. Pat. App. No. 2007/0136769). The dependent claims, however, are patentable over the cited subject matter because, for the reasons stated above, their respective independent claims are patentable. Further, none of these references, alone or in combination, remedies any of Hayashi, Adams, Dowling, and Bhadkamkar. Therefore, the dependent claims are also allowed.

In light of the foregoing remarks, all pending claims define patentable subject matter over the references. Therefore, Applicant respectfully requests that the Panel overturn all rejections.

Respectfully submitted,
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